

REMARKS

In the Office Action, the Examiner objected to claim 3, rejected claims 1, 2, 4, 7-9 and 36-57. The Examiner also indicated that claim 3 would be allowable if rewritten in independent form. By this paper, Applicants cancelled claims 48 and 49, added new claims 58-63, and amended claims 1, 3, 36, 37, 39, 43, 46, 50 and 51 for clarification of certain features to expedite allowance of the present application. These amendments do not add any new matter. Upon entry of these amendments, claims 1-4, 7-9, 36-47, and 50-63 will be pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 2, 4, 7 and 8 under 35 U.S.C. § 102(b) as anticipated by Taylor (U.S. Patent No. 5,277,620, hereafter referred to as “the Taylor reference”), claims 36-41 under 35 U.S.C. § 102(b) as anticipated by Haile (U.S. Patent No. 4,917,625, hereafter referred to as “the Haile reference”), and claims 51 and 53-57 under U.S.C. § 102(b) as anticipated by Shibuya et al. (U.S. Patent No. 5,593,313, hereafter referred to as “the Shibuya reference”). Applicants respectfully traverse these rejections.

Legal Precedent

Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). Accordingly, Applicants need only point to a single element not

found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter. The prior art reference also must show the *identical* invention “*in as complete detail as contained in the ... claim*” to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Further, the pending claims must be given an interpretation that is reasonable and consistent with the *specification*. See *In re Prater*, 415 F.2d 1393, 1404-05, 162 U.S.P.Q. 541, 550-51 (C.C.P.A. 1969) (emphasis added); M.P.E.P. §§ 608.01(o) and 2111. Indeed, the specification is “the primary basis for construing the claims.” See *Phillips v. AWH Corp.*, No. 03-1269, -1286, at 13-16 (Fed. Cir. July 12, 2005) (*en banc*). One should rely *heavily* on the written description for guidance as to the meaning of the claims. See *Id.*

Interpretation of the claims must also be consistent with the interpretation that *one of ordinary skill in the art* would reach. See *In re Cortright*, 165 F.3d 1353, 1359, 49 U.S.P.Q.2d 1464, 1468 (Fed. Cir. 1999); M.P.E.P. § 2111. “The inquiry into how a person of ordinary skill in the art understands a claim term provides an objective baseline from which to begin claim interpretation.” See *Collegenet, Inc. v. ApplyYourself, Inc.*, No. 04-1202, -1222, 1251, at 8-9 (Fed. Cir. August 2, 2005) (quoting *Phillips*, No. 03-1269, -1286, at 16). The Federal Circuit has made clear that derivation of a claim term must be based on “usage in the ordinary and accustomed meaning of the words amongst artisans of ordinary skill in the relevant art.” See *Id.*

Independent Claim 1 and its Dependent Claims

In the Office Action, claim 1 was rejected as anticipated by the Taylor reference. Applicants respectfully traverse this rejection. The present independent claim 1 recites, *inter alia*, “a first retention mechanism adapted to secure the clip body to the power distribution unit in a substantially non-rotatable engagement; and a second retention mechanism comprising a tooth adapted to secure the clip body to the cable plug.” (Emphasis added.)

The Taylor reference is deficient for a number of reasons. For instance, the cited reference does not teach or suggest “a first retention mechanism adapted to secure the clip body to the power distribution unit in a substantially non-rotatable engagement,” as recited by independent claim 1. In sharp contrast, the Taylor reference teaches a “bail member 64 [that] has a pair of opposed side legs 66, 68 pivotaly attached to [a] receptacle housing 10.” Taylor, col. 5, ll. 28-29; Fig. 7 (emphasis added). In other words, the bail member 64 is rotatably engaged to the receptacle housing 10. Thus, the Taylor reference clearly does not teach the “first retention mechanism adapted to secure the clip body to the power distribution unit in a substantially non-rotatable engagement” recited by claim 1. Accordingly, the Taylor reference fails to teach *all* the features of claim 1. For this reason among others, the Taylor reference fails to anticipate independent claim 1 and its dependent claims.

Additionally, the Taylor reference does not teach or suggest a “tooth,” as recited by independent claim 1. Conversely, the Taylor reference teaches a U-shaped cross-bar 70. Taylor, col. 5, ll. 41-42; Fig. 7. The U-shaped cross-bar 70 of Taylor is undoubtedly not a “tooth,” as recited by the instant claim 1. Accordingly, for this reason also, the Taylor reference does not anticipate independent claim 1 or the claims that depend therefrom.

Independent Claim 36 and its Dependent Claims

In the Office Action, the Examiner rejected independent claim 36 as anticipated by the Haile reference. Applicants respectfully traverse this rejection. The present independent claim 36 recites, *inter alia*, “the clip body is substantially peripheral to, and not electrically intermediate, the cable plug and the power strip.” (Emphasis added.)

Here again, the Haile reference is deficient for a number of reasons. The cited reference does not teach or suggest a “clip body [that] is substantially peripheral to, and not electrically intermediate, the cable plug and the power strip,” as recited by

independent claim 36. (Emphasis added.) Conversely, the Haile reference discloses a plug 42 electrically connected to a female connector 48 through a connector block 54. Haile, col. 5, l. 58-col. 6, l. 15; Fig. 11. That is, the connector block 54 is electrically intermediate the plug 42 and the female connector 48. The connector device 52 of Figs. 10-12 clearly relies on this intermediate position between the plug 42 and the female connector 48. *See id.* Otherwise, the arms 60 and heads 62 would not function as disclosed by the Haile reference. *See id.* Thus, the Haile reference clearly does not teach a clip body that is “not electrically intermediate the cable plug and the power strip,” as recited by independent claim 36. Accordingly, the cited reference does not teach *all* the features of independent claim 36. For this reason among others, Applicants request withdrawal of the rejection of independent claim 36.

Independent Claim 51

In the Office Action, the Examiner rejected independent claim 51 as anticipated by the Shibuya reference. The present independent claim 51 recites, *inter alia*, “a clip body comprising housing engagement portions configured to extend around and engage at least three sides of a circuitry housing; and a first retention mechanism comprising a distal end extending from the clip body.” (Emphasis added.)

The Shibuya reference is deficient for several reasons. For example, the cited reference does not disclose or suggest “a clip body comprising housing engagement portions configured to extend around and engage at least three sides of a circuitry housing,” as recited by independent claim 51. (Emphasis added.) Conversely, the Shibuya reference clearly teaches a spring 3 that engages one side of a socket body 1. *See Shibuya*, col. 2, ll. 45-63; Fig. 1. Accordingly, the Shibuya reference could not possibly disclose *every* feature of independent claim 51, which recites “housing engagement portions configured to extend around and engage at least three sides of a circuitry housing.” (Emphasis added.) For this reason among others, the Shibuya reference fails to anticipate independent claim 51 and its dependent claims.

Moreover, the Shibuya reference does not disclose other features of independent claim 51. For instance, claim 51 recites “a first retention mechanism comprising a distal end extending from the clip body.” (Emphasis added.) However, the Shibuya reference teaches “a spring 3 which has at an intermediate portion thereof a locking part 3a.” Shibuya, col. 2, ll. 58-60. (Emphasis added.) In other words, the locking part 3a does not comprise a distal end, but rather the locking part 3a is centrally along the length of the spring 3. Accordingly, for this reason also, the Shibuya reference does not disclose *all* the features of independent claim 51, and the Shibuya reference fails to anticipate claim 51 and its dependent claims.

For these reasons among others, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 102.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 9, 36, and 42-50 under 35 U.S.C. § 103(a) as being unpatentable over Fiene (U.S. Patent No. 6, 260,981, hereafter referred to as “the Fiene reference”) in view of Johnston (U.S. Patent No. 6,491,539, hereafter referred to as “the Johnston reference”). The Examiner also rejected claims 51 and 52 under 35 U.S.C. § 103(a) as being unpatentable over Low (U.S. Patent No. 3,017,598, hereafter referred to as “the Low reference”).

Legal Precedent

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d. 1430 (Fed. Cir. 1990). Accordingly, to establish a *prima facie* case,

the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985). The Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). Moreover, a statement that the proposed modification would have been “well within the ordinary skill of the art” based on individual knowledge of the claimed elements cannot be relied upon to establish a *prima facie* case of obviousness without some *objective reason to combine* the teachings of the references. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993); *In re Kotzab*, 217 F.3d 1365, 1371, 55 U.S.P.Q.2d. 1313, 1318 (Fed. Cir. 2000); *Al-Site Corp. v. VSI Int’l Inc.*, 174 F.3d 1308, 50 U.S.P.Q.2d. 1161 (Fed. Cir. 1999).

First Section 103 Rejection

Claim Features Omitted from Cited References

In the Office Action, the Examiner rejected independent claims 1, 36 and 43 as obvious over the Fiene reference in view of the Johnston reference. Applicants respectfully traverse this rejection.

The present independent claim 1 recites, *inter alia*, “a second retention mechanism comprising a tooth adapted to secure the clip body to the cable plug,” independent claim 36 recites, *inter alia*, “first retention mechanism comprising a first tooth configured to secure the clip body to the lip of the cable plug,” and independent claim 43 recites, *inter alia*, “a first retention mechanism extending from the clip body and configured to secure a cable plug to the power distribution unit; and a second retention mechanism extending from the clip body and configured to secure the clip body to the power distribution unit.” (Emphasis added.)

The cited references, taken alone or in hypothetical combination, fail to teach or suggest securement with a cable plug. Specifically, the cited references do not teach or suggest, alone or in hypothetical combination, “a tooth adapted to secure the clip body to the cable plug,” as recited by independent claim 1, “a first tooth configured to secure the clip body to the lip of the cable plug,” as recited by independent claim 36, or a “a first retention mechanism extending from the clip body and configured to secure a cable plug,” as recited by independent claim 43. (Emphasis added.)

In sharp contrast, the Fiene reference discloses a mating clip 34 configured to attach a ballasted-socket assembly 30 to a reflector 10 (not a cable plug). Fiene, col. 3, ll. 65-68; Fig. 3. Indeed, the mating clip 34 does not even engage the lamp 26 that plugs into the ballasted-socket assembly 30. *See Id.* at col. 4, ll. 57-65 (teaching that the lamp 26 connects to lamp support clips 40). The Fiene reference fails to disclose a cable plug, much less a clip body secured to a cable plug. Moreover, the Johnston reference does not teach or suggest these features either. In view of these deficiencies, the cited references, taken alone or in hypothetical combination, cannot render obvious the current independent claims 1, 36 or 43 or their dependent claims.

Additionally, the cited references do not teach or suggest, alone or in hypothetical combination, “a second retention mechanism extending from the clip body and configured to secure the clip body to the power distribution unit,” as recited by independent claim 43. Conversely, the mating clip 34 taught by Fiene merely wraps around the ballasted-socket assembly 30 (not a power distribution unit). *See* Fiene, Fig. 1. Clearly, the mating clip 34 does not include the “second retention mechanism” recited by independent claim 43. The Johnston reference also fails to teach or suggest these features. Accordingly, for this reason also, the cited references cannot render obvious independent claim 43 or the claims that depend therefrom.

Improper Combination - Lack of Objective Evidence of Reasons to Combine

In addition, the Examiner has not shown the requisite motivation or suggestion to modify or combine the cited references to reach the present claims. As summarized above, the Examiner must provide objective evidence, rather than subjective belief and unknown authority, of the requisite motivation or suggestion to combine or modify the cited references. *In re Lee*, 61 U.S.P.Q.2d. 1430 (Fed. Cir. 2002). In the present rejection, the Examiner combined the cited references based on the *conclusory and subjective statement* that it would have been obvious “to provide a retention wrap into Fiene’s assembly, as taught by Johnston for securely retain[ing] the plug.” Office Action, page 4. However, as discussed above, the mating clip 34 of Fiene does not even engage a plug. Thus, there would be no reason to include a retention wrap for a plug. Accordingly, Applicants challenge the Examiner to produce *objective evidence* of the requisite motivation or suggestion to combine the cited references, or remove the foregoing rejection under 35 U.S.C. § 103.

Improper Combination – References Teach Away From One Another

In addition to the complete lack of objective evidence, Applicants stress the cited references teach away from one another and, therefore, are not properly combinable. *See In re Grasselli*, 713 F.2d 731 at 743. In fact, the cited references teach contrastingly different intended purposes and principles of operation, which would change if the cited references were combined as suggested by the Examiner. As summarized above, a proposed modification or combination of references is entirely improper and insufficient to support a *prima facie* case of obviousness, where the proposed modification or combination would change the principle of operation of the cited reference or render the cited reference unsatisfactory for its intended purpose.

The Fiene reference teaches a principle of operation of an expanding mating clip 34. The Fiene reference discloses coupling a ballast-socket assembly 34 to a reflector 10 with a mating clip 34 that *expands* to engage aperture 28 in the reflector 10. *See* Fiene, Fig. 3. Thus, the principle of operation of the primary reference requires that the distal ends of the mating clip 34 *expand* away from one another.

In contrast, the secondary reference teaches a principle of operation of binding a cord 38 to a support arm 36. *See* Johnson, Fig. 4. The Johnston reference teaches a ridged strap 58 that wraps around the cord 38 and the support arm 36. *See Id.* The ridged strap 58 binds the chord 38 and the support arm 36 together by compressing them together. *See Id.* Thus, the principle of operation of the secondary reference requires that the ridge strap 58 *constrict* the components about which it is disposed.

In view of these contrasting different principles of operation, the Examiner's proposed combination of the primary and secondary references is absolutely improper and cannot stand. The ridged strap 58 of Johnston would prevent the mating clip 34 of Fiene from securing the ballasted-assembly 30. The distal ends of the mating clip 34 engage the reflector 10 by *expanding away from one another* in the aperture 28. *See* Fiene, col. 4, ll. 51-56; Figs 1 and 3. However, the ridged strap 58 of Johnston in hypothetical combination with the mating clip 34 of Fiene would *prevent* the distal ends of the mating clip 34 from expanding away from one another. Thus, rather than securely retaining the plug, the proposed modification would prevent the mating clip 34 from functioning. In view of these incompatible principles of operation, the cited references cannot be combined and the Examiner's rejection is improper.

For these reasons among others, Applicants respectfully request withdrawal of the foregoing combination the corresponding rejections under 35 U.S.C. § 103.

Second Section 103 Rejection

In the Office Action, the Examiner rejected independent claim 51 as obvious over the Low reference. The present independent claim 51 recites, *inter alia*, "a first retention mechanism comprising a distal end extending from the clip body and configured to secure the clip body to a cable plug, wherein the first retention mechanism and the clip body are a single piece of material." (Emphasis added.)

However, the Low reference does not teach or suggest a first retention mechanism and a clip body that “are a single piece of material,” as recited in independent claim 51. In sharp contrast, the Low reference teaches a clip constructed of multiple pieces of material. Low discloses “[a] spring support member 28 having one end attached to angle bracket 16 by bolt 22.” Low, col. 2, ll. 15-17. In other words, the clamp holder 10 taught by Low includes a spring support member 28 and a bolt 22, or at least two pieces of material. The claim holder 10 also includes an angle bracket 16 and a wire compression loop 26, which cooperate with the spring support member 28 and the bolt 32. Low, col. 2, ll. 1-32. The clamp holder 10 functions by first positioning the packaged crystal 12 along the angle bracket 16, followed by placing the spring support member 28 over the crystal 12, followed by bolting the member 28 to the bracket 16 via bolt 22, followed by rotating the loop 26 about the crystal 12 to engage the member 28. *See id.* Thus, the foregoing assembly steps preclude a one-piece configuration of the clamp holder 10, or specifically the member 28. Without the bolt 22, the spring support member 28 is incapable of coupling to the angle bracket 16 after the crystal 12 is disposed on the bracket 16. Thus, the Low reference does not teach or suggest a first retention mechanism and a clip body that “are a single piece of material,” as recited in independent claim 51. Accordingly, the Low reference fails to teach or suggest the features of independent claim 51.

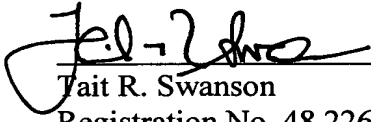
For at least these reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

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Tait R. Swanson
Registration No. 48,226
(281) 970-4545

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400